

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**ATTACHMENT NO. 3****INITIAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8, Chapter 4, Subchapter 7, Article 91, Section 4885
of the General Industry Safety Orders (GISO).

Definition of Trolley Suspended Hoists**SUMMARY**

Section 4885, subsection Hoist, defines a monorail hoist as a trolley suspension hoist whose trolley is suspended from a single rail, and defines the trolley suspension hoist as a floor or cage-operated hoist whose upper suspension member is a trolley for the purpose of running the hoist below a suitable runway.

Confusion exists because monorail and trolley suspension hoists when moving a load horizontally, meet the definition of a crane and, therefore, are subject to testing and examination requirements pursuant to Section 5022. This amendment is necessary to eliminate this confusion and clarify that trolley suspension hoists are subject to the regulatory requirements of GISO Section 5022.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**Section 4885. Definitions.**

Section 4885 consists of definitions for terminology used in Group 13 crane and hoisting equipment regulations.

The proposed rulemaking adds to the definition of monorail hoist in Section 4885 under Hoist, the wording, "When the monorail hoist is used to move a load horizontally, it shall be considered a crane and subject to Group 13 regulations."

The proposal adds to the definition of trolley suspension hoist in Section 4885 under “Hoist,” the wording “When the Trolley Suspension Hoist is used to move a load horizontally, it shall be considered a crane and subject to Group 13 regulations.”

The proposal alphabetically adds the following definitions to Section 4885 under “Crane,” “Monorail Hoist. A trolley suspension crane hoist, whose trolley is suspended from a single rail. This type of crane hoist, when used to move a load horizontally, is subject to Group 13 regulations,” and “Trolley Suspension Hoist. A crane hoist whose upper suspension member is a trolley for the purpose of running the hoist below a suitable runway. It may be either floor or cage-operated. This type of crane hoist, when used to move a load horizontally, is subject to Group 13 regulations.” These changes are necessary to clarify that a trolley suspension hoist when used to move a load horizontally is defined as a crane and subject to Group 13 regulations.

DOCUMENTS RELIED UPON

Memorandum with attachments to John MacLeod, Executive Officer, Occupational Safety and Health Standards Board dated January 24, 2000 from John Howard, Chief, Division of Occupational Safety and Health.

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendment clarifies the regulation to eliminate confusion about the definition and regulatory requirements for trolley suspension hoists.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.